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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,768	09/17/2001	Heinz Focke	FOCKE16	8538

7590

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EXAMINER

NGUYEN, TU T

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,768

Applicant(s)

FOCKE ET AL.

Examiner

Tu T Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Detailed Office Action

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al (4,972,494).

With respect to claim 1, White discloses a method for inspecting the stamp of a cigarette pack (column 15, lines 25-30). The method comprises steps: moving the object 18 (fig 1) past an inspection means 12 (fig 1), illuminating by one or more illumination means 186, 188 (fig 4), identifying the border or the blank 305, 306 (fig 6).

White does not explicitly disclose illuminating at border edges. Since White teaches illuminating the package to permit each surface of the package to be clearly inspected (column 10, lines 39-45) and also teaches detecting the edges of the stamp (column 14, lines 34-50), White would have been inherently disclosed illuminating the edge of the stamp or blank.

White does not explicitly disclose directing the inspection means and illumination means toward a region of the blank located on the end face of the cigarette pack. However, White teaches directing a plurality of cameras and illumination means to certain areas of the

package to be inspected (column 3, lines 29-34). It would have been obvious to modify White to direct the inspection means and illumination means toward a region of the blank located on the end face of the cigarette pack to inspect the blank of the package.

With respect to claims 2,8,9, White discloses a trigger signal for turn on/off the light source and the camera (column 3, lines 29-35).

With respect to claim 3, White discloses a plurality of windows (fig 6) (column 14, lines 25-50) for the inspection means. White does not explicitly disclose evaluating for differences between the brightness in order to detect the border edges. Using the differences between the brightness in order to detect the border edges would have been known. It would have been obvious to modify White with the known method for detecting the border edges to make the system more accurate.

With respect to claim 5, refer to discussion in claim 1 above.

With respect to claims 6,14, White does not disclose the angle range as disclosed in claims 6,14. However, White discloses locating the cameras and the light sources in different angles for different package types or color (column 14, lines 9-15). It would have been obvious to position the cameras and the light sources with different angle ranges to test different object.

With respect to claim 7, the claimed white-light diodes would have been well known in the art. It would have been obvious to use the well known white-light diode to reduce the system cost.

With respect to claim 10, refer to discussion in claim 3 for plurality evaluation windows and refer to claim 3 for evaluating differences in brightness.

With respect to claim 11, White discloses at least two windows are directed at the border edges of the blank 305, 306 (fig 6) and a window 14 (fig 14) for receiving the object 380 (fig 14).

With respect to claim 12, using a faulty pack conveyor to convey a faulty object would have been known. It would have been obvious to modify White with the known faulty pack conveyor to separate the faulty pack. The modification involves only routine skill in the art.

With respect to claim 13, the claimed turret would have been known in the art. It would have been obvious a design choice to modify White with different known type of turrets for different purposes. The modification involves only routine skill in the art.

With respect to claim 15, White discloses inspecting different characteristics of package (column 3, lines 34-45). It would have been obvious a design choice to modify White's system to inspect the revenue stamp.

Response to Arguments

Applicant's arguments filed on 03/24/2003 have been fully considered but they are not persuasive.

Since Applicant amended the claims, it is necessary for the Examiner to make this office action final. Refer to discussion above for the arguments.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T Nguyen whose telephone number is (703) 306-9185. The examiner can normally be reached on M-T 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Frank G Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Tu T. Nguyen
Primary Examiner
Group Art Unit 2877

5/14/03